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TO RUEHC/SECSTATE WASHDC 0415
INFO RUCNCIS/CIS COLLECTIVE
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RUEHAK/AMEMBASSY ANKARA 3488
RUEHBJ/AMEMBASSY BEIJING 1306
RUEHKO/AMEMBASSY TOKYO 1173
RUEHIT/AMCONSUL ISTANBUL 1742
RUEHVEN/USMISSION USOSCE 2305
RHMFIUU/CDR USCENCOM MACDILL AFB FL
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUEKJCS/SECDEF WASHDC

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SENSITIVE

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [EAID](#) [KDEM](#) [TX](#)

SUBJECT: TURKMENISTAN: LEGAL DATABASE PROJECT STOKES COMPETITION
BETWEEN DONORS AND GOVERNMENT

REF: A. ASHGABAT 0099

[1](#)B. ASHGABAT 0206

[1](#)1. (U) Sensitive but unclassified. Not for public Internet.

[1](#)2. (SBU) SUMMARY: Internal competition to compile a legal database seems to have broken out among several government entities, spurred probably by a desire to get credit for fulfilling a high government priority and at least in part by an overzealous European implementing partner. As a result, no less than three international organizations in Turkmenistan have expressed their support for variations of a similar project with three different governmental ministries or agencies. USAID and OSCE have agreed to join their efforts by cooperating with the Institute for Democracy and Human Rights, while the most recent entrant, the European Union, awaits a funding decision from NATO on a proposal made by an implementing partner university to the Supreme Council for Science and Technology that enjoys only modest local EU support. END SUMMARY.

USAID'S ENTRY TO THE DATABASE RACE

[1](#)3. (SBU) On January 16, the Ministry of Foreign Affairs delivered a positive reply to USAID's October 29 proposal for cooperation with the Institute for Democracy and Human Rights (reftel A). Among the approved areas for USAID's cooperation with the Institute for Democracy and Human Rights reply was "Support(ing) the production of an online legal database." (NOTE: The legal database project was originally one component of a USAID community empowerment program launched in late 2006 that envisioned the database as a tool to increase access to information for community activists. Recent opportunities for cooperation with the Institute led to the ongoing discussions related to joint work in this area. END NOTE.) Subsequent meetings with the Institute's director, Shirin Ahmedova, have addressed her desire to move forward on this joint project with USAID's implementing partner, the American Bar Association (ABA) (reftel B). Giving a hint of the internal competition brewing behind the scenes, on March 1 Ahmedova told USAID's Country

Representative that she was ready to move forward with even an incomplete database and proposed adding a disclaimer that acknowledged that it was not complete.

14. (U) At the same time, USAID was aware that the OSCE previously had undertaken similar projects to gather legislation from most CIS countries and was interested in doing the same in Turkmenistan. In the March 1 meeting, Ahmedova expanded the proposed database's focus beyond the national database that USAID originally proposed. As a result, her vision now closely corresponds to an existing online OSCE resource, www.legislationonline.org.

OSCE'S DILEMMA - WHO'S THE PARTNER?

15. (U) After being rejected for the past three years, the OSCE's proposal to develop a legal database was approved by the Ministry of Foreign Affairs (MFA) for the first time this year. The MFA, however, identified the Ministry of Justice as OSCE's government counterpart which limited its ability to work jointly with the Institute for Democracy and Human Rights - and USAID.

16. (SBU) On March 3, OSCE and USAID met with the Institute's director to address this issue (reftel A). Ahmedova said that the OSCE's approved project list does not preclude cooperative work with the Institute as well. She noted that the Ministry of Justice and Institute of Democracy are already partners on informational matters, and that it should not matter if the OSCE worked with the Institute on this project. Ahmedova said that she would call the Minister of Foreign Affairs to ask the MFA to remove the offending clause from its agreement with the OSCE so that the proposed partnership could continue. She also requested that the OSCE Ambassador contact the MFA to have the clause removed. OSCE intends to submit a diplomatic note to the MFA requesting the change in partners, and if approved, this presents an ideal

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opportunity for donor coordination and joint work with a government partner. The OSCE would provide the physical components (such as database software, scanning of laws and loading onto the internet) necessary for putting the database together, and USAID through ABA would provide technical assistance on using the database.

BEHIND CURTAIN NUMBER THREE? THE EU AND SUPREME COUNCIL

17. (SBU) On March 4, USAID Country Representative learned that the EU was considering a request from the Supreme Council on Science and Technology to establish a legal database. After being caught off guard when asked about the project at a reception that night, the EU's Advisor to the National Coordination Unit shared details of the proposal the next day. He clarified that he had personal reservations about the proposal, which he felt duplicated activities with the Ministries of Foreign Affairs and Justice and the Mejlis (Parliament).

18. (SBU) The EU advisor made clear that the idea for the project came not from the Supreme Council, but instead EU/NATO's existing partner on the Virtual Silk Highway project, Hamburg Harburgh University, which had promised support for the database project to the MFA from NATO, EU-TACIS, the German Technical Cooperation Agency (GTZ), and the Embassy of Germany in Turkmenistan without prior dialogue with any of these organizations until after its own meetings with the Government of Turkmenistan. As a result, promises were made to the government which Hamburg Harburgh University cannot fulfill.

19. (U) The EU Advisor acknowledged that this created confusion since the EU has already agreed to start a legal reform technical assistance program later in 2008, which has been approved by the Government of Turkmenistan. The partners under the upcoming EU program are the Ministries of Foreign Affairs and Justice and the Mejlis (Parliament), plus the Institute of Democracy and Human Rights and the Turkmen State University Law Faculty. As a result, he was unhappy since he perceived the Hamburg proposal to have been made for diplomatic gain rather than for the benefit of the wider stakeholders in Turkmenistan. The Deputy Director of the Supreme Council is scheduled to travel to meet with NATO leadership next

week, where the question of funding is expected to be resolved.

¶10. (U) COMMENT: This is a complicated tale that contains elements of competition between government entities and donor organizations alike. It is clear that certain government officials want to move full speed ahead to bring a legal database online, even an incomplete one. Our guess is that the legal database is probably a high priority for the president, and so various government entities are competing with each other to get it done. At the same time, an international implementing partner appears to have promised a project that it cannot deliver without external financing. Despite much talk about donor coordination, it is a rare occurrence in practice, due at least in part to such competing interests and unilateral actions. END COMMENT.

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